IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1088 OF 2006

Arvind Purushottam Barve ...Appellant

v/s

Sou. Pushpalata S. Janorkar and ors. ...Respondents

Mr Shriram S. Kulkarni for Appellant.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 20TH JULY 2007.

P.C. :-

1. The case of the plaintiff was that the original defendant No.1 was of unsound mind. Without joining guardian-at-litem for him, the suit proceeded. The appeal Court, in my opinion, has rightly held that the Trial Court could not have itself compared the signature and recorded a finding that the partition never took place. When an entry is made in the revenue record because the entry is made in regular course of business, a presumption attaches to it. The burden therefore was entirely on the plaintiff. The plaintiff has not discharged that burden. Taking overall view of the matter therefore, I do not find that the Appeal Court has committed any error in dismissing the suit of the plaintiff. No substantial question of law arises.

Appeal is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.